2007 No 119

New South Wales

Marine Parks Amendment (Batemans) Regulation 2007

under the

Marine Parks Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Marine Parks Act 1997*.

IAN MACDONALD, M.L.C.,	BOB DEBUS, M.P.,
Minister for Primary Industries	Minister for the Environment

Explanatory note

The *Marine Parks Act 1997* and the *Marine Parks Regulation 1999* (the ***principal Regulation***) provide for the classification of areas within marine parks for different uses by means of zoning plans. Currently, the principal Regulation provides for four classes of zones in marine parks (sanctuary zones, habitat protection zones, general use zones and special purpose zones) and sets out objects and special provisions applying to those zones.

The object of this Regulation is to provide for a zoning plan for the Batemans Marine Park. The zoning plan, which is to be included in Schedule 1 to the principal Regulation, divides the Batemans Marine Park into the various zones and contains special provisions regulating and prohibiting the carrying out of certain activities in those zones.

The Regulation also makes amendments to the provisions applying to marine parks generally.

This Regulation is made under the *Marine Parks Act 1997*, including sections 15, 16, 17 and 48 (the general regulation-making power).

Marine Parks Amendment (Batemans) Regulation 2007

under the

Marine Parks Act 1997

1 Name of Regulation

This Regulation is the *Marine Parks Amendment (Batemans) Regulation 2007*.

2 Commencement

This Regulation commences on 30 June 2007.

3 Amendment of Marine Parks Regulation 1999

The *Marine Parks Regulation 1999* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Insert in alphabetical order in the definitions:

> ***bait*** means any animal or plant, or part of any animal or plant, rigged on a fishing hook but does not include an artificial lure or artificial fly.

[2] Clause 20 Protection of marine park moorings, buoys, signs and facilities

Insert "(unless the placement is authorised by an occupation licence or other authorisation issued under the *Maritime Services Act 1935*)" after "park" in clause 20 (1) (c).

[3] Clause 22 Domesticated animals

Insert after clause 22 (2):

> (3) This clause does not apply to a dog being used by a police officer on official duty.

[4] Clause 22A Protected species

Insert "or plant" after "fish" wherever occurring in clause 22A (1) (a) and (b).

[5] Clause 32N Consent by relevant Ministers not required for certain activities

Insert "in accordance with section 19 of the Act" after "that activity" in clause 32N (1).

[6] Schedule 1 Zoning plans for marine parks

Omit clause 6 (2) (a1) of Part 2 of Schedule 1. Insert instead:

> (a1) the person is the holder of a current commercial fishing licence endorsed for the taking of fish in the ocean hauling fishery under the *Fisheries Management Act 1994* who is taking or attempting to take fish while assisting, and in the presence of, a person referred to in paragraph (a), or

[7] Schedule 1, Part 2, clause 6 (3) (a1)

Omit the paragraph. Insert instead:

(a1) the person is the holder of a current commercial fishing licence endorsed for the taking of fish in the ocean hauling fishery under the *Fisheries Management Act 1994* who is taking or attempting to take fish while assisting, and in the presence of, a person referred to in paragraph (a), or

[8] Schedule 1, Part 4, clause 13 (2) and (2A)

Omit clause 13 (2) of Part 4 of Schedule 1. Insert instead:

(2) A person must not take or attempt to take fish in special purpose zone 2 (Marshalls Creek Oyster Leases).

(2A) A person may carry out oyster aquaculture in special purpose zone 2 (Marshalls Creek Oyster Leases) in accordance with a permit issued under the *Fisheries Management Act 1994*.

[9] Schedule 1, Part 4, clause 19

Insert "of fish" after "any species".

[10] Schedule 1, Part 4, clause 23 (2) (c) and (d)

Omit clause 23 (2) (c) of Part 4 of Schedule 1. Insert instead:

(c) a vehicle being used in an area in the marine park in respect of which the use of such a vehicle has been authorised by a council (within the meaning of the *Local Government Act 1993*),

(d) a person using a vehicle in the marine park who has been authorised by a council (within the meaning of the *Local Government Act 1993*) to use such a vehicle within the marine park.

[11] Schedule 1, Part 6

Insert in Schedule 1 as Part 6:

Part 6 Batemans Marine Park Zoning Plan

Note. The GPS coordinates used in this Part to describe the boundaries of the zones of the Batemans Marine Park are given in degrees and decimal minutes using the Geocentric Datum of Australia 1994 (GDA 94).

Division 1 Preliminary

1 Definitions

(1) In this Part:

Chart AUS 191 means the charts published under that title by the Australian Hydrographic Service on 20 August 2004.

estuary includes the waters of any lake, river, creek, lagoon or like body of water that is periodically or intermittently closed to the sea.

extensive aquaculture has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2002*.

intensive aquaculture has the same meaning as it has in the *Fisheries Management (Aquaculture) Regulation 2002*.

marine park means the Batemans Marine Park as described in Part 2 of the Proclamation made under sections 6 and 7 of the Act and published in Gazette No 49 on 7 April 2006 at page 2021.

oyster depuration means the extraction of seawater from the waters of the marine park, the discharge of seawater into the waters of the marine park and the conveyance of seawater across tidal waters or tidal lands of the marine park by way of depuration lines.

regulatory authority means each of the following:

(a) the council of an area (within the meaning of the *Local Government Act 1993*) that adjoins the marine park,

(b) the Department of Primary Industries,

(c) the Department of Environment and Conservation,

(d) the Department of Planning,

(e) NSW Police,

(f) the Maritime Authority of NSW,

(g) the Department of Lands.

spear gun includes a spear, bow and arrow or other similar device.

table means a table set out in Division 10.

tidal lands means any area of land that is covered from time to time by tidal waters, and that is above the lowest astronomical tide level.

tidal waters means any area of waters of the sea or subject to tidal influence.

(2) In this Part, a reference to a line, net, trap or other method that is also referred to in the *Fisheries Management (General) Regulation 2002* is a reference to that line, net, trap or method within the meaning of that Regulation.

Division 2 Sanctuary zones

2 Description of sanctuary zones

The sanctuary zones of the marine park are comprised of the following areas:

Brush Island sanctuary zone

An area bounded as follows:

(a) commencing on the north-eastern extremity of Brush Island at the point on the mean high water mark nearest to 35°31.593′S, 150°25.055′E,

(b) then due north to the intersection of longitude 150°25.055′E with the northern boundary of the marine park (at latitude 35°31.086′S),

(c) then due east to the intersection of the northern boundary of the marine park and the eastern boundary of the marine park,

(d) then generally south along the eastern boundary of the marine park to the intersection of the boundary with latitude 35°32.629′S (at or about longitude 150°28.866′E),

(e) then due west for a distance of approximately 6.3 kilometres to 35°32.629′S, 150°24.687′E (a point due south of the western-most extremity of Brush Island),

(f) then due north for a distance of approximately 1.4 kilometres to the western-most extremity of Brush Island at the point on the mean high water mark nearest to 35°31.833′S, 150°24.687′E,

(g) then generally east and north along the mean high water mark of the south-eastern coast of Brush Island to the point of commencement.

Murramarang sanctuary zone

An area bounded as follows:

(a) commencing at 35°34.698′S, 150°21.916′E (off the south-eastern tip of O'Hara Island),

(b) then due east to the intersection of latitude 35°34.698′S with the eastern boundary of the marine park,

(c) then generally south-west along the eastern boundary of the marine park to the intersection of latitude 35°36.543′S and the eastern boundary of the marine park,

(d) then due west to 35°36.543′S, 150°20.626′E,

(e) then generally north-east to the point of commencement.

Upper Durras Lake sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Durras Lake and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 35°38.204′S, 150°16.446′E, on the north-eastern bank of Durras Lake, and

(b) the point on the mean high water mark nearest to 35°38.513′S, 150°16.326′E, on the southern bank of Durras Lake.

North Durras Lake sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Durras Lake and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 35°38.234′S, 150°17.076′E, on the western bank of Durras Lake, and

(b) the point on the mean high water mark nearest to 35°38.234′S, 150°17.158′E, on the eastern bank of Durras Lake.

North Head sanctuary zone

An area bounded as follows:

(a) commencing at the tip of Yellow Rock at the point on the mean high water mark nearest to 35°43.413′S, 150°15.894′E,

(b) then due east for a distance of approximately 1.9 kilometres to 35°43.413′S, 150°17.127′E,

(c) then due north for a distance of approximately 2.9 kilometres to the point on the mean high water mark nearest to 35°42.117′S, 150°17.127′E,

(d) then generally south-west along the mean high water mark to the point of commencement.

Tollgate Islands sanctuary zone

An area bounded as follows:

(a) commencing at 35°44.282′S, 150°14.750′E,

(b) then due east to the intersection of latitude 35°44.282′S and the eastern boundary of the marine park,

(c) then generally south along the eastern boundary of the marine park to 35°46.797′S, 150°18.734′E (a point on the boundary),

(d) then due west for a distance of approximately 6 kilometres to 35°46.797′S, 150°14.750′E,

(e) then due north to the point of commencement.

Cullendulla Creek sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Cullendulla Creek and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 35°42.096′S, 150°12.506′E, on the western bank of the entrance to Cullendulla Creek, and

(b) the point on the mean high water mark nearest to 35°42.277′S, 150°12.561′E, on the eastern bank of the entrance to Cullendulla Creek.

Waterfall Creek sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Waterfall Creek and its creeks, bays and tributaries that are upstream of the line between:

(a) the point on the mean high water mark nearest to 35°42.675′S, 150°08.114′E, on the western shore of Waterfall Creek, and

(b) the point on the mean high water mark nearest to 35°42.719′S, 150°08.287′E, on the eastern shore of Waterfall Creek.

Buckenbowra River sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the Buckenbowra River and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 35°41.494′S, 150°07.559′E, on the northern bank of the Buckenbowra River, and

(b) the point on the mean high water mark nearest to 35°41.644′S, 150°07.651′E, on the southern bank of the Buckenbowra River.

Pelican Inlet sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Pelican Inlet and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 35°42.003′S, 150°08.943′E, on the western bank of the mouth of Pelican Inlet, and

(b) the point on the mean high water mark nearest to 35°41.969′S, 150°09.715′E, on the eastern bank of the mouth of Pelican Inlet.

Burrewarra sanctuary zone

An area bounded as follows:

(a) commencing at the southern end of Rosedale Beach at the point on the mean high water mark nearest to 35°49.030′S, 150°13.749′E,

(b) then generally east for a distance of approximately 900 metres to 35°49.027′S, 150°14.341′E, (approximately 260 metres east of the north-eastern edge of Jimmies Island),

(c) then due south to 35°50.246′S, 150°14.342′E (a point generally east of the southern-most extremity of Burrewarra Point),

(d) then generally west along a line that is tangential to both the southern-most extremity of Burrewarra Point and the point, on Long Nose Point, on the mean high water mark nearest to 35°50.131′S, 150°12.613′E,

(e) then generally north-east along the mean high water mark to the point of commencement.

Candlagan Creek sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Candlagan Creek and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 35°50.476′S, 150°10.749′E, on the northern bank of the entrance to Candlagan Creek, and

(b) the point on the mean high water mark nearest to 35°50.513′S, 150°10.705′E, on the southern bank of the entrance to Candlagan Creek.

Broulee Island sanctuary zone

An area bounded as follows:

(a) commencing in the proximity of the sand bar in Boat Harbour at the point on the mean high water mark nearest to 35º51.428′S, 150º11.115′E,

(b) then due north for a distance of approximately 400 metres to 35º51.207′S, 150º11.115′E,

(c) then due east for a distance of approximately 2.25 kilometres to 35°51.207′S, 150°12.611′E (a point due south of the southern-most extremity of Long Nose Point),

(d) then due south for a distance of approximately 900 metres to 35°51.684′S, 150°12.611′E,

(e) then due west for a distance of approximately 2.25 kilometres to 35º51.684′S, 150º11.115′E,

(f) then due north to the southern coast of Broulee Island at the point on the mean high water mark nearest to 35º51.549′S, 150º11.115′E,

(g) then generally east along the mean high water mark around Broulee Island to the point of commencement.

Bengello Creek sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Bengello Creek and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 35°52.043′S, 150°09.762′E, on the northern bank of the entrance to Bengello Creek, and

(b) the point on the mean high water mark nearest to 35°52.066′S, 150°09.741′E, on the southern bank of the entrance to Bengello Creek.

Malabar Creek sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Malabar Creek and its creeks, bays and tributaries upstream of the line between:

(a) the point the mean high water mark on the western bank of the entrance to Malabar Creek intersects latitude 35°54.227′S (at or about longitude 150°06.492′E), and

(b) the point the mean high water mark on the eastern bank of the entrance to Malabar Creek intersects latitude 35°54.185′S (at or about longitude 150°06.549′E).

Mullimburra sanctuary zone

An area bounded as follows:

(a) commencing on the southern shore of Congo Beach at the point the mean high water mark intersects latitude 35°57.725′S,

(b) then due east to the point the eastern boundary of the marine park intersects latitude 35°57.725′S,

(c) then generally south-west and then generally south-east, along the eastern boundary of the marine park to the point the boundary intersects latitude 36°01.689′S,

(d) then due west to the point the mean high water mark intersects latitude 36°01.689′S,

(e) then following the mean high water mark north to the point of commencement,

but not including the Meringo-Mullimburra Point habitat protection zone as described in Division 3.

Meringo Lake sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Meringo Lake and its creeks, bays and tributaries upstream of the line between:

(a) the point the mean high water mark on the northern shore of Meringo Lake intersects latitude 35°58.658′S (at or about longitude 150°09.093′E), and

(b) the point the mean high water mark on the southern shore of Meringo Lake intersects latitude 35°58.715′S (at or about longitude 150°09.093′E).

Kellys Lake sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Kellys Lake and its creeks, bays and tributaries upstream of the line between:

(a) the point the mean high water mark on the northern shore of Kellys Lake intersects latitude 36°00.394′S (at or about longitude 150°09.435′E), and

(b) the point the mean high water mark on the southern shore of Kellys Lake intersects latitude 36°00.419′S (at or about longitude 150°09.433′E).

Coila Lake and Creek sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Coila Lake and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°00.986′S, 150°06.952′E, on the south-western bank, and

(b) the point on the mean high water mark nearest to 36°00.497′S, 150°06.903′E, on the north-eastern bank.

Brou Beach sanctuary zone

An area bounded as follows:

(a) commencing on the mean high water mark on the eastern-most point of Jemisons Point at 36°06.172′S, 150°08.260′E,

(b) then due east for a distance of approximately 300 metres to 36°06.172′S, 150°08.480′E (a point due south of the eastern-most extremity of Potato Point),

(c) then due south for a distance of approximately 2.5 kilometres to 36°07.540′S, 150°08.480′E,

(d) then due west for a distance of approximately 1.4 kilometres to Brou Breach at the point on the mean high water mark nearest to 36°07.540′S, 150°07.546′E,

(e) then generally north along the mean high water mark of Brou Beach and then Jemisons Point to the point of commencement,

and including the whole of the tidal waters and tidal lands to the mean high water mark of Lake Tarouga and its creeks, bays and tributaries.

Brou Lake North sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Brou Lake and its creeks, bays and tributaries upstream of the line between:

(a) the point the mean high water mark on the north-western bank of Brou Lake intersects latitude 36°07.151′S (at or about longitude 150°07.337′E), and

(b) the point the mean high water mark on the north-eastern bank of Brou Lake intersects latitude 36°07.308′S (at or about longitude 150°07.441′E).

Brou Lake South sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Brou Lake and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°07.960′S, 150°06.714′E, on the western bank of Brou Lake, and

(b) the point on the mean high water mark nearest to 36°07.969′S, 150°06.775′E, on the eastern bank of Brou Lake.

Kianga Lake sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Kianga Lake and its creeks, bays and tributaries upstream of the line between:

(a) the point on the northern bank of Kianga Lake at 36°11.476′S, 150°07.936′E, and

(b) the point on the southern bank of Kianga Lake at 36°11.551′S, 150°07.936′E.

Clarks Bay—Freshwater Bay sanctuary zone

An area bounded as follows:

(a) commencing on the northern shore of Clarks Bay at the point on the mean high water mark nearest to 36°12.674′S, 150°06.161′E,

(b) then due south to 36°12.887′S, 150°06.161′E,

(c) then generally south-west to 36°13.455′S, 150°05.530′E,

(d) then due west to the point on the mean high water mark nearest to 36°13.455′S, 150°05.278′E,

(e) then generally north-east along the mean high water mark to the point of commencement,

but not including the Black Bream Point habitat protection zone, the Clarks Bay habitat protection zone or the Freshwater Bay habitat protection zone as described in Division 3.

Punkalla Creek sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Punkalla Creek and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°13.538′S, 150°04.326′E, on the western bank of Punkalla Creek, and

(b) the point on the mean high water mark nearest to 36°13.581′S, 150°04.460′E, on the eastern bank of Punkalla Creek.

Forsters Bay sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Forsters Bay and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°13.578′S, 150°06.900′E, on the northern bank of Forsters Bay, and

(b) the point on the mean high water mark nearest to 36°13.761′S, 150°06.809′E, on the southern bank of Forsters Bay.

Bullengella Lake—Corunna Lake sanctuary zone

An area bounded as follows:

(a) commencing south of Glasshouse Rocks at 36°14.300′S, 150°08.803′E,

(b) then due east for a distance of approximately 2.5 kilometres to 36°14.300′S, 150°10.620′E,

(c) then due south for a distance of approximately 5.8 kilometres to 36°17.222′S, 150°10.620′E,

(d) then due west to the northern side of the entrance to Corunna Lake at the point on the mean high water mark nearest to 36°17.222′S, 150°07.894′E,

(e) then north along the mean high water mark to the point of commencement,

and including the whole of the tidal waters and tidal lands to the mean high water mark of Nangudga Lake and Bullengella Lake and their creeks, bays and tributaries but not including the Handkerchief Beach habitat protection zone as described in Division 3.

Montague Island East sanctuary zone

An area bounded as follows:

(a) commencing on the eastern coast of Montague Island at the point on the mean high water mark nearest to 36°14.678′S, 150°13.846′E,

(b) then due south for a distance of approximately 546 metres to the eastern-most point of Montague Island at the point on the mean high water mark nearest to 36°14.973′S, 150°13.846′E,

(c) then generally north along the mean high water mark of the eastern coast of Montague Island to the point of commencement.

Montague Island South sanctuary zone

An area bounded as follows:

(a) commencing on the south-eastern coast of Montague Island at the point on the mean high water mark nearest to 36°15.243′S, 150°13.793′E,

(b) then due east for a distance of approximately 1.6 kilometres to 36°15.243′S, 150°14.848′E,

(c) then due south for a distance of approximately 1.7 kilometres to 36°16.143′S, 150°14.848′E,

(d) then due west for a distance of approximately 1.9 kilometres to 36°16.143′S, 150°13.607′E (a point due south of the southern-most extremity of Montague Island),

(e) then due north to the southern-most extremity of Montague Island at the point on the mean high water mark nearest to 36°15.558′S, 150°13.607′E,

(f) then generally south-east then north along the mean high water mark of the southern coast of Montague Island to the point of commencement.

Couria Bay sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Couria Bay and its creeks, bays and tributaries upstream of the line between:

(a) the point, on the north-eastern shore of Couria Bay, the mean high water mark intersects latitude 36°21.084′S (at or about longitude 150°03.440′E), and

(b) the point, on the south-western shore of Couria Bay, the mean high water mark intersects latitude 36°21.252′S (at or about longitude 150°03.440′E),

but not including the Couria Bay habitat protection zone as described in Division 3.

Dignams Creek sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Dignams Creek and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°21.211′S, 150°02.079′E, on the northern bank of Wallaga Lake, and

(b) the point on the mean high water mark nearest to 36°21.345′S, 150°02.171′E, on the southern bank of Wallaga Lake at the mouth of Dignams Creek,

but not including the Snake Island special purpose zone as described in Division 4.

Meads Bay sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Meads Bay and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°23.109′S, 150°02.813′E, on the western bank of Meads Bay, and

(b) the point on the mean high water mark nearest to 36°22.921′S, 150°03.053′E, on the eastern bank of Meads Bay.

Narira Creek sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Narira Creek and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°23.506′S, 150°02.673′E, on the western bank of Narira Creek, and

(b) the point on the mean high water mark nearest to 36°23.506′S, 150°02.685′E, on the eastern bank of Narira Creek.

Merriwinga Creek sanctuary zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Merriwinga Creek and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°21.613′S, 150°04.770′E, on the western bank of the entrance to Merriwinga Creek, and

(b) the point on the mean high water mark nearest to 36°21.622′S, 150°04.775′E, on the eastern bank of the entrance to Merriwinga Creek.

3 Fish cleaning

Despite clause 7 of this Regulation, a person may clean fish or fishing gear while in a sanctuary zone of the marine park at a fish cleaning facility (if any) designated by the relevant Ministers for that purpose.

4 Oyster depuration

(1) Despite clause 7 of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in a sanctuary zone of the marine park if the oyster depuration is carried out in a designated area and in accordance with the *Food Act 2003*.

(2) For the purposes of this clause, a ***designated area*** means any tidal waters and tidal lands of a sanctuary zone of the marine park on which, immediately before the commencement of this Part, depuration lines were being used for oyster depuration by the holder of a licence under the *Food Act 2003* that authorised the operation of a depuration plant.

5 Permissible uses

(1) Without limiting clause 6 of this Regulation, a further object of a sanctuary zone in the marine park is, where consistent with clause 6 (a) of this Regulation, to allow any activity to be carried out in the zone if it is a permissible use with respect to the sanctuary zone.

(2) For the purposes of this clause, each of the following activities is a ***permissible use*** with respect to each of the sanctuary zones in the marine park:

(a) an activity that is necessary for the purposes of replacing a work used before the commencement of this Part with a work that has the same or less environmental impact and that is capable of safe and ecologically sustainable use,

(b) an activity that is necessary for the purposes of maintaining a work used before the commencement of this Part in a state that enables safe and ecologically sustainable use of the work.

(3) Despite clause 7 of this Regulation, the consent of the relevant Ministers may be given for an activity that would otherwise contravene that clause if that activity is a permissible use with respect to the sanctuary zone.

(4) In this clause:

work includes a jetty, wharf, pontoon, groyne, retaining wall, boat ramp, mooring, aquaculture facility, boardwalk, navigation marker, regulatory authority sign and stormwater drain.

Division 3 Habitat protection zones

6 Description of habitat protection zones

The habitat protection zones of the marine park are comprised of the following areas:

Kioloa Creek habitat protection zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Kioloa Creek and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark on the northern shore of Kioloa Creek at 35°33.084′S, 150°22.938′E, and

(b) the point on the mean high water mark on the southern shore of Kioloa Creek at 35°33.137′S, 150°22.938′E.

Durras Beach creek habitat protection zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the unnamed creek, landward of Durras Beach, that runs between Skid Ridge Road and Old Coast Road, and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 35°39.460′S, 150°17.776′E, on the western bank of the entrance to the creek, and

(b) the point on the mean high water mark nearest to 35°39.460′S, 150°17.785′E, on the eastern bank of the entrance to the creek.

Durras Lake habitat protection zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Durras Lake and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 35°38.310′S, 150°18.450′E, on the northern bank of the Durras Lake entrance, and

(b) the point on the mean high water mark nearest to 35°38.394′S, 150°18.369′E, on the southern bank of the Durras Lake entrance.

but not including the Upper Durras Lake sanctuary zone or the North Durras Lake sanctuary zone as described in Division 2.

Batemans Bay habitat protection zone

An area bounded as follows:

(a) commencing at the southern end of South Durras Beach at the point on the mean high water mark nearest to 35°40.095′S, 150°18.414′E,

(b) then due east to the intersection of latitude 35°40.095′S with the eastern boundary of the marine park,

(c) then generally south along the eastern boundary of the marine park to the intersection of latitude 35°50.246′S with the boundary,

(d) then due west to 35°50.246′S, 150°14.342′E (a point generally east of the southern-most extremity of Burrewarra Point),

(e) then due north, along the eastern boundary of the Burrewarra sanctuary zone, to 35°49.027′S, 150°14.341′E, approximately 260 metres east of the north-eastern edge of Jimmies Island,

(f) then due west to the southern end of Rosedale Beach at the point on the mean high water mark nearest to 35°49.030′S, 150°13.749′E,

(g) then along the mean high water mark to 35°32.374′S, 150°11.991′E (a point on the mean high water mark on the northern bank of the Clyde River),

(h) then to 35°32.418′S, 150°11.991′E (a point on the mean high water mark on the southern bank of the Clyde River),

(i) then downstream along the mean high water mark to the point of commencement,

but not including the Pelican Inlet sanctuary zone, the Waterfall Creek sanctuary zone, the Buckenbowra River sanctuary zone, the Tollgate Islands sanctuary zone, the North Head sanctuary zone or the Cullendulla Creek sanctuary zone as described in Division 2 or the Batemans Bay special purpose zone as described in Division 4.

Shallow Crossing habitat protection zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the Clyde River and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark on the northern bank of the Clyde River at 35°32.374′S, 150°11.991′E, and

(b) the point on the mean high water mark on the southern bank of the Clyde River at 35°32.418′S, 150°11.991′E.

Tomaga River habitat protection zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the Tomaga River and its creeks, bays and tributaries upstream of the line between:

(a) the point on the northern shore of the mouth of the Tomaga River at 35°50.226′S, 150°11.070′E, and

(b) the point on the southern shore of the mouth of the Tomaga River at 35°50.305′S, 150°11.070′E.

Toragy Point-Congo habitat protection zone

An area bounded as follows:

(a) commencing at the eastern-most extremity of Toragy Point at the point on the mean high water mark nearest to 35°54.474′S, 150°09.610′E,

(b) then due east to the intersection of latitude 35°54.474′S with the eastern boundary of the marine park,

(c) then generally south along the eastern boundary of the marine park to the point the eastern marine park boundary intersects latitude 35°57.725′S,

(d) then due west, along the northern boundary of the Mullimburra sanctuary zone, to the southern shore of Congo Beach, at the point the mean high water mark intersects latitude 35°57.725′S,

(e) then generally north along the mean high water mark to the point of commencement,

including the whole of the tidal waters and tidal lands to the mean high water mark of Congo Creek and its creeks, bays and tributaries.

Meringo-Mullimburra Point habitat protection zone

An area bounded as follows:

(a) commencing at the eastern-most extremity of Mullimburra Point at the point on the mean high water mark nearest to 35°59.628′S, 150°09.850′E,

(b) then due east for a distance of approximately 200 metres to 35°59.628′S, 150°09.974′E,

(c) then generally north along a line parallel to, but 200 metres seaward of, the mean high water mark, to 35°58.715′S, 150°09.170′E,

(d) then due west to the southern side of the entrance to Meringo Lake at the point on the mean high water mark nearest to 35°58.715′S, 150°09.237′E,

(e) then generally south following the mean high water mark to the point of commencement.

Tuross-Coila habitat protection zone

An area bounded as follows:

(a) commencing on the northern bank of the entrance to Tuross Lake at the point on the mean high water mark nearest to 36°03.966′S, 150°08.097′E,

(b) then generally north along the mean high water mark to the southern side of the entrance to Coila Lake at the point on the mean high water mark nearest to 36°03.028′S, 150°08.518′E,

(c) then generally north to the northern side of the entrance to Coila Lake at the point on the mean high water mark nearest to 36°02.889′S, 150°08.535′E,

(d) then generally north along the mean high water mark to the point the mean high water mark intersects latitude 36°01.689′S,

(e) then due east, along the southern boundary of the Mullimburra sanctuary zone, to the point the eastern boundary of the marine park intersects latitude 36°01.689′S,

(f) then generally south along the eastern boundary of the marine park to the intersection of the eastern boundary of the marine park and latitude 36°03.966′S,

(g) then due west to the point of commencement.

Tuross Lake and River habitat protection zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Tuross Lake, the Tuross River system and their creeks, bays and tributaries upstream of the line between:

(a) the point on the northern shore of the opening to Tuross Lake at 36°03.967′S, 150°08.097′E, and

(b) the point on the southern shore of the opening to Tuross Lake at 36°04.051′S, 150°08.097′E.

Lake Brunderee habitat protection zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Lake Brunderee and its creeks, bays and tributaries upstream of the line between:

(a) the point the mean high water mark on the western shore of Lake Brunderee intersects latitude 36°05.640′S (at or about longitude 150°08.218′E), and

(b) the point the mean high water mark on the eastern shore of Lake Brunderee intersects latitude 36°05.640′S (at or about longitude 150°08.236′E).

Jemisons Beach creek habitat protection zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the unnamed creek that is landward of Jemisons Beach and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°06.050′S, 150°08.149′E, on the northern bank of the entrance to the creek, and

(b) the point on the mean high water mark nearest to 36°06.053′S, 150°08.147′E, on the southern bank of the entrance to the creek.

Lake Dalmeny (Mummaga Lake) habitat protection zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Lake Dalmeny and its creeks, bays and tributaries upstream of the line between:

(a) the point on the northern shore of the opening to Lake Dalmeny at 36°09.720′S, 150°07.550′E, and

(b) the point on the southern shore of the opening to Lake Dalmeny at 36°09.744′S, 150°07.597′E.

Wagonga Inlet habitat protection zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the Wagonga Inlet and its creeks, bays and tributaries that are upstream of the line between:

(a) the point the mean high water mark on the western shore of Wagonga Inlet intersects latitude 36°12.684′S (at or about longitude 150°07.968′E), and

(b) the point the mean high water mark on the eastern shore of Wagonga Inlet intersects latitude 36°12.684′S (at or about longitude 150°08.037′E),

but not including the Clarks Bay—Freshwater Bay sanctuary zone or the Forsters Bay sanctuary zone as described in Division 2, the Black Bream Point habitat protection zone as described in this Division, the Mill Bay Boat Ramp special purpose zone, the Forsters Bay special purpose zone or the Narooma Wharf special purpose zone as described in Division 4.

Black Bream Point habitat protection zone

An area bounded as follows:

(a) commencing on the western shore of Clarks Bay at the point on the mean high water mark nearest to 36°12.861′S, 150°05.732′E,

(b) then due north to 36°12.832′S, 150°05.732′E,

(c) then due east to 36°12.832′S, 150°05.792′E,

(d) then due south to the western shore of Clarks Bay at the point on the mean high water mark nearest to 36°12.858′S, 150°05.792′E,

(e) then generally west along the mean high water mark to the point of commencement.

Clarks Bay habitat protection zone

An area bounded by the circle of 20 metres radius centred on 36°12.784′S, 150°05.567′E, a point near the mean high water mark on the shore of Wagonga Inlet.

Freshwater Bay habitat protection zone

An area bounded by the circle of 20 metres radius centred on 36°13.158′S, 150°05.316′E, a point near the mean high water mark on the shore of Wagonga Inlet.

Wagonga Head habitat protection zone

An area bounded as follows:

(a) commencing at the point the mean high water mark south of the entrance to Wagonga Inlet intersects latitude 36°12.769′S (at or about longitude 150°08.136′E),

(b) then due east to 36°12.769′S, 150°08.234′E,

(c) then south-east to the point the mean high water mark intersects latitude 36°12.945′S (at or about longitude 150°08.371′E),

(d) then along the mean high water mark to the point of commencement.

Little Lake (north) habitat protection zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the lake named Little Lake that lies between Wagonga Inlet and Nangudga Lake, and its creeks, bays and tributaries upstream of the line between:

(a) the point the mean high water mark on the northern shore of the lake intersects latitude 36°13.423′S (at or about longitude 150°08.453′E), and

(b) the point the mean high water mark on the southern shore of the lake intersects latitude 36°13.443′S (at or about longitude 150°08.456′E).

Handkerchief Beach habitat protection zone

An area bounded as follows:

(a) commencing south of the entrance to Bullengella Lake at the point on the mean high water mark nearest to 36°14.623′S, 150°08.659′E,

(b) then due east to 36°14.623′S, 150°08.726′E,

(c) then generally south along a line parallel to, but 100 metres seaward of, the mean high water mark to 36°15.206′S, 150°08.790′E,

(d) then due west to the point on the mean high water mark nearest to 36°15.206′S, 150°08.730′E,

(e) then along the mean high water mark to the southern side of the entrance to Nangudga Lake at the point on the mean high water mark nearest to 36°15.139′S, 150°08.673′E,

(f) then due west to the northern side of the entrance to Nangudga Lake at the point on the mean high water mark nearest to 36°15.139′S, 150°08.601′E,

(g) then generally north along the mean high water mark to the point of commencement.

Montague Island habitat protection zone

An area bounded as follows:

(a) commencing south of the entrance to Kianga Lake at the point on the mean high water mark nearest to 36°11.536′S, 150°07.994′E,

(b) then due east to the intersection of latitude 36°11.536′S with the eastern boundary of the marine park,

(c) then generally south along the eastern boundary of the marine park to 36°18.342′S, 150°12.099′E (a point east of Mystery Bay),

(d) then due west to the southern side of Mystery Bay at the point on the mean high water mark nearest to 36°18.342′S, 150°08.195′E,

(e) then generally north along the mean high water mark to the point of commencement,

but not including the Bullengella Lake—Corunna Lake sanctuary zone, the Montague Island East sanctuary zone or the Montague Island South sanctuary zone as described in Division 2, the Montague Island (Inner) habitat protection zone, the Wagonga Head habitat protection zone, the Handkerchief Beach habitat protection zone, the Wagonga Inlet habitat protection zone or the Little Lake (north) habitat protection zone as described in this Division.

Montague Island (Inner) habitat protection zone

An area bounded as follows:

(a) commencing at the point the mean high water mark on the west coast of Montague Island intersects latitude 36°14.636′S (at or about longitude 150°13.428′E),

(b) then generally north for approximately 350 metres to 36°14.448′S, 150°13.428′E,

(c) then due east for approximately 630 metres to 36°14.448′S, 150°13.846′E,

(d) then due south to the point the mean high water mark on the north-eastern extremity of Montague Island intersects latitude 36°14.609′S (at or about longitude 150°13.846′E),

(e) then west along the mean high water mark to the point of commencement.

Little Lake (south) habitat protection zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of the lake named Little Lake that lies between Tilba Tilba Lake and Wallaga Lake, and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°20.325′S, 150°06.107′E, on the northern entrance to the lake, and

(b) the point on the mean high water mark nearest to 36°20.352′S, 150°06.035′E, on the southern entrance to the lake.

Wallaga Lake Entrance habitat protection zone

An area bounded as follows:

(a) commencing on the northern bank of Wallaga Lake (near the eastern edge of Wallaga Lake Road) at the point on the mean high water mark nearest to 36°21.524′S, 150°04.572′E,

(b) then generally south-east along the mean high water mark of Wallaga Lake to the northern bank of the entrance to Wallaga Lake at the point nearest to 36°22.131′S, 150°04.781′E,

(c) then due south to the southern bank of Wallaga Lake at the point on the mean high water mark nearest to 36°22.189′S, 150°04.781′E,

(d) then generally west along the mean high water mark of the southern bank of Wallaga Lake to 36°21.549′S, 150°04.502′E (a point near the eastern edge of Wallaga Lake Road),

(e) then north along the mean high water mark, generally parallel to the eastern edge of Wallaga Lake Road, to the point of commencement,

but not including the Merriwinga Creek sanctuary zone as described in Division 2.

Couria Bay habitat protection zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Couria Bay and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°20.649′S, 150°03.187′E, on the eastern shore of Couria Bay, and

(b) the point on the mean high water mark nearest to 36°20.649′S, 150°03.100′E, on the western shore of Couria Bay.

Meads Bay habitat protection zone

An area bounded as follows:

the whole of the tidal waters and tidal lands to the mean high water mark of Meads Bay and its creeks, bays and tributaries upstream of the line between:

(a) the point on the mean high water mark nearest to 36°22.642′S, 150°03.741′E, on the eastern bank of Meads Bay, and

(b) the point on the mean high water mark nearest to 36°22.921′S, 150°03.053′E, on the western bank of Meads Bay.

7 Taking of certain plants permitted in habitat protection zones

(1) Despite clause 11 of this Regulation, a person may take a plant of a species listed in table A, by the method of hand picking (whether or not while wearing a glove), for recreational purposes, in a habitat protection zone of the marine park.

(2) Despite clause 11 of this Regulation, a person may take marine seaweed (in quantities not exceeding 20 litres per person per day), for recreational purposes, from above the mean low water mark on a beach in a habitat protection zone of the marine park.

Note. Clause 11 of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in a habitat protection zone except with the consent of the relevant Ministers.

(3) Despite subclauses (1) and (2), a person must not, while in a habitat protection zone listed in table D, take or attempt to take any plant.

8 Permitted fishing activities

Note. Clause 12 of this Regulation makes it an offence to take or attempt to take fish in a habitat protection zone unless the person is engaging in a permitted fishing activity referred to in that clause. A permitted fishing activity includes the taking of fish by a method that is permitted by the zoning plan for a marine park. This clause sets out such permitted fishing activities (in addition to those described in clause 12).

(1) Clause 12 (1) of this Regulation (relating to permitted fishing activities) applies to the habitat protection zone of the marine park subject to the provisions of this Part. Accordingly, that subclause is not to be construed as authorising any fishing activity that would contravene this clause.

(2) Subject to clause 9 of this Part, the following fishing activities are permitted in a habitat protection zone of the marine park:

(a) **Netting—general**

The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of one of the following nets, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*:

(i) push or scissors net (prawns),

(ii) hoop or lift net.

(b) **Haul netting**

The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a hauling net (general purpose) or a pilchard, anchovy and bait net (hauling), if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*, but only from the beaches set out in table C.

(c) **Garfish net**

The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a garfish net (bullringing), if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*, but only from water not within an estuary.

(d) **Hand-hauled prawn netting**

The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a hand-hauled prawn net, if the use of the net to take that fish is lawful under the *Fisheries Management Act 1994*, but only in the following habitat protection zones:

(i) the Tomaga River habitat protection zone,

(ii) the Tuross Lake and River habitat protection zone,

(iii) the Lake Brunderee habitat protection zone,

(iv) the Lake Dalmeny (Mummaga Lake) habitat protection zone,

(v) the Little Lake (south) habitat protection zone.

(e) **Fish and lobster trapping**

The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of a fish trap or lobster trap, if the use of the trap to take that fish is lawful under the *Fisheries Management Act 1994*.

(f) **Eel and crab trapping**

The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by use of an eel trap or crab trap, if the use of the trap to take that fish is lawful under the *Fisheries Management Act 1994*.

(g) **Collecting**

The taking of any fish of a kind that may lawfully be taken in the habitat protection zone by hand picking (within the meaning of the *Estuary General Share Management Plan*,

as set out in the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*), if the use of that method to take that fish is lawful under the *Fisheries Management Act 1994*.

Note. The taking of fish in a habitat protection zone of the marine park is subject to the provisions of the *Fisheries Management Act 1994* and the regulations under that Act. Part 3 of the *Fisheries Management (General) Regulation 2002* also sets out requirements in relation to the lawful use of fishing gear such as traps and nets.

9 Prohibited fishing activities

Note.

1 Clause 12 (2) of this Regulation makes it an offence to take or attempt to take fish while in a habitat protection zone of the marine park unless the person complies with any restrictions imposed on that activity by the zoning plan for the marine park. This clause imposes such restrictions.

2 Clause 12 (3) of this Regulation provides that a person does not commit an offence under clause 12 for anything done with the consent of the relevant Ministers.

3 Clause 21 of this Part sets out various general fishing prohibitions.

(1) A person must not, while in a habitat protection zone of the marine park, take or attempt to take any fish of a species not listed in table B.

(2) A person must not, while in the Shallow Crossing habitat protection zone, take or attempt to take fish between 1 May and 30 November in any year (both dates inclusive).

(3) A person must not, while in the Handkerchief Beach habitat protection zone, take or attempt to take fish unless the person does so:

(a) for recreational purposes only, and

(b) while situated on the shore.

(4) A person must not, while in the Montague Island (Inner) habitat protection zone, take or attempt to take fish between 1 November and 30 April in any year (both dates inclusive) by use of the following methods:

(a) a fishing line rigged with bait,

(b) a wire trace line,

(c) any net (other than a landing net),

(d) any method carried out from a vessel at anchor.

(5) A person must not, while in a habitat protection zone set out in table D, take or attempt to take invertebrate fish by hand picking (within the meaning of the *Estuary General Share Management Plan*, as set out in the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*).

10 Aquaculture

Despite clause 13 of this Regulation, aquaculture is not permissible in a habitat protection zone of the marine park, except within the leased area of any class 1 lease within the meaning of the *Fisheries Management (Aquaculture) Regulation 2002*.

11 Oyster depuration

Despite clause 11 of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in a habitat protection zone of the marine park if the oyster depuration is carried out in accordance with the *Food Act 2003*.

Division 4 Special purpose zones

12 Description of special purpose zones

The special purpose zones of the marine park are comprised of the following areas:

Murramarang Coast special purpose zone

An area bounded as follows:

(a) commencing on Island Beach at the point the mean high water mark intersects latitude 35°34.698′S (at or about longitude 150°21.387′E),

(b) then due east to 35°34.698′S, 150°21.916′E (a point south of the southern-most extremity of O'Hara Island),

(c) then generally south-west to 35°36.543′S, 150°20.626′E,

(d) then due west to the point the mean high water mark intersects latitude 35°36.543′S,

(e) then generally north-east along the mean high water mark to the point of commencement.

Batemans Bay special purpose zone

An area bounded as follows:

(a) commencing at the eastern side of the Batemans Bay bridge at the point on the mean high water mark nearest to 35°42.188′S, 150°10.632′E,

(b) then generally north for a distance of 50 metres to 35°42.175′S, 150°10.658′E,

(c) then along a line parallel to, but 60 metres seaward of, the mean high water mark generally south-east to 35°43.131′S, 150°12.002′E,

(d) then generally south to 35°43.205′S, 150°11.976′E,

(e) then generally west to the southern shore of Batemans Bay at the point on the mean high water mark nearest to 35°43.158′S, 150°11.849′E,

(f) then generally north-west along the mean high water mark to the point of commencement.

Mill Bay Boat Ramp special purpose zone

An area bounded as follows:

(a) commencing on the western shore of Mill Bay (on the north side of Wagonga Inlet) on the mean high water mark at 36°12.451′S, 150°07.484′E,

(b) then due east to 36°12.451′S, 150°07.514′E,

(c) then due south to 36°12.544′S, 150°07.514′E,

(d) then due west to 36°12.544′S, 150°07.262′E,

(e) then due north to the point on the mean high water mark nearest to 36°12.513′S,150°07.262′E,

(f) then generally north-east along the mean high water mark of the northern bank of Wagonga Inlet to the point of commencement.

Narooma Wharf special purpose zone

An area bounded as follows:

(a) commencing on the western edge of Narooma Town Wharf at 36°12.897′S, 150°07.835′E,

(b) then generally north-east for a distance of approximately 30 metres to 36°12.885′S, 150°07.842′E,

(c) then generally south-east to the point on the mean high water mark nearest to 36°12.951′S, 150°08.005′E,

(d) then following the mean high water mark generally west to the point of commencement.

Forsters Bay special purpose zone

An area bounded as follows:

(a) commencing on the southern bank of Wagonga Inlet (on the eastern bank of Forsters Bay) at the point on the mean high water mark nearest to 36°12.696′S, 150°07.357′E,

(b) then generally south along the mean high water mark to the point on the mean high water mark nearest to 36°13.387′S, 150°07.326′E,

(c) then due north to 36°13.326′S, 150°07.325′E (a point approximately 100 metres from the mean high water mark),

(d) then generally north along a line parallel to, but 100 metres seaward of, the mean high water mark of the eastern bank of Forsters Bay, to 36°12.639′S, 150°07.331′E,

(e) then generally east to the point of commencement.

Snake Island special purpose zone

An area bounded as follows:

(a) commencing at the point the mean high water mark on the southern shore of Wallaga Lake intersects latitude 36°21.369′S (at or about longitude 150°02.139′E),

(b) then generally south-west along the mean high water mark of the southern shore of Wallaga Lake to the point the mean high water mark on the southern shore of Wallaga Lake intersects latitude 36°21.620′S (at or about longitude 150°01.546′E),

(c) then generally north-east to the western tip of Snake Island at the point the mean high water mark on the western tip of Snake Island intersects latitude 36°21.574′S (at or about longitude 150°01.604′E),

(d) then generally east along the mean high water mark of the southern side of Snake Island to the point the mean high water mark on the eastern tip of Snake Island intersects latitude 36°21.381′S (at or about longitude 150°02.106′E),

(e) then generally east to the point of commencement.

Class 1 special purpose zone

An area comprised of the following areas:

(a) the leased area of any class 1 lease, within the meaning of the *Fisheries Management (Aquaculture) Regulation 2002*, in force immediately before the commencement of this Part that is bounded by a sanctuary zone of the marine park, and

(b) any priority oyster aquaculture area, within the meaning of the *NSW Oyster Industry Sustainable Aquaculture Strategy* as adopted by *State Environmental Planning Policy No 62—Sustainable Aquaculture*, that is bounded by a sanctuary zone of the marine park.

13 Special purpose zones—objects

(1) The object of the Murramarang Coast special purpose zone is to provide a high level of biodiversity conservation whilst allowing for the sustainable commercial harvest of abalone in areas of critical importance to the abalone fishery in the marine park.

(2) The object of the Batemans Bay, Mill Bay Boat Ramp, Narooma Wharf and Forsters Bay special purpose zones is to provide for foreshore and maritime facilities and infrastructure in Batemans Bay and Narooma.

(3) The object of the Snake Island special purpose zone is to provide for traditional Aboriginal use.

(4) The object of the Class 1 special purpose zone is to provide for the management of the kinds of aquaculture in respect of which a Class 1 lease may be granted under the *Fisheries Management (Aquaculture) Regulation 2002*.

Note. Clauses 18A and 18B of this Regulation create offences relating to the taking or harming of plants, animals, fish and other materials in a special purpose zone.

14 Special purpose zones—fishing

(1) A person must not, while in the Murramarang Coast special purpose zone, take or attempt to take fish.

(2) Despite subclause (1), the harvesting, in the course of commercial fishing, of abalone is permitted in the Murramarang Coast special purpose zone.

(3) A person must not, while in the Batemans Bay, Mill Bay Boat Ramp, Narooma Wharf or Forsters Bay special purpose zone, take or attempt to take fish unless the taking of that species of fish by the method used is permitted in a zone that adjoins the special purpose zone concerned.

(4) A person must not, while in the Snake Island special purpose zone, take or attempt to take fish.

(5) A person must not, while in any area within the Class 1 special purpose zone that is the subject of an aquaculture lease and adjoins a sanctuary zone, take or attempt to take fish.

15 Aquaculture in Class 1 special purpose zone

Despite clause 18C of this Regulation, a person may carry out aquaculture in the Class 1 special purpose zone in accordance with a permit issued under the *Fisheries Management Act 1994*.

16 Oyster depuration

Despite clause 18A of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in a special purpose zone of the marine park if the oyster depuration is carried out in accordance with the *Food Act 2003*.

Division 5 General use zone

17 Description of general use zone

The general use zone of the marine park is comprised of all parts of the marine park that are not included in a sanctuary zone, a habitat protection zone or a special purpose zone.

18 Oyster depuration

Despite clause 15 of this Regulation, a person may carry out oyster depuration (other than the operation of a depuration tank) in the general use zone of the marine park if the oyster depuration is carried out in accordance with the *Food Act 2003*.

19 Taking of certain plants permitted in general use zone

(1) Despite clause 15 of this Regulation, a person may take a plant of a species listed in table A, by the method of hand picking (whether or not while wearing a glove), for recreational purposes, in the general use zone of the marine park.

(2) Despite clause 15 of this Regulation, a person may take marine seaweed (in quantities not exceeding 20 litres per person per day), for recreational purposes, from above the mean low water mark on a beach in the general use zone of the marine park.

Note. Clause 15 of this Regulation makes it an offence to harm a plant or damage, take or interfere with any part of the habitat in the general use zone except with the consent of the relevant Ministers.

20 Fishing permitted in general use zone

(1) A person must not take, or attempt to take, fish in the general use zone of the marine park unless the taking of the fish, and the method used to take the fish, is lawful under the *Fisheries Management Act 1994*.

(2) This clause is subject to the other provisions of this Regulation. Accordingly, this clause is not to be construed as authorising any fishing activity that would contravene another provision of this Regulation.

Note. Division 6 of this Part sets out some general restrictions on fishing in the marine park. Those provisions apply to the general use zone.

Division 6 General permissions and prohibitions

21 Fishing prohibitions

(1) A person must not, while in the marine park, take or attempt to take fish by trawling.

(2) A person must not, while in the marine park, take or attempt to take fish by use of a wire trace line unless the line is a hand held line.

(3) A person must not, while in the marine park, take or attempt to take fish by use of a line that has more than 6 hooks attached.

(4) A person must not, while in the marine park, take or attempt to take fish by use of a dredge or any device similar to a dredge (excluding any instrument used in the course of hand picking within the meaning of the *Estuary General Share Management Plan*, as set out in the *Fisheries Management (Estuary General Share Management Plan) Regulation 2006*).

(5) This clause has effect despite any other provision of this Regulation.

22 Taking fish or plants for aquarium collection prohibited

(1) A person must not, while in any part of the marine park, take or attempt to take any fish or plant for aquarium collection purposes.

(2) A person does not commit an offence in respect of a contravention of subclause (1) if:

(a) the fish or plant the subject of the charge was taken while in a habitat protection zone or general use zone, and

(b) the activity was carried out with the consent of the relevant Ministers.

23 Collection of no more than 10 kg of shell and shell grit

(1) Despite any other provision of this Regulation, a person may collect no more than 10 kilograms of shell or shell grit for recreational purposes while in any of the following zones:

(a) a habitat protection zone,

(b) the general use zone,

(c) a special purpose zone that adjoins a habitat protection zone or the general use zone,

but only if any shell collected is not living and is not occupied by any living animal.

(2) Nothing in this clause permits a person to collect shell or shell grit in any part of a national park, national reserve or Aboriginal area dedicated or reserved under the *National Parks and Wildlife Act 1974*.

24 Collection of seaweed

A person must not, while in the marine park, take seaweed from a beach that is, or is part of, a nature reserve, national park or Aboriginal area dedicated or reserved under the *National Parks and Wildlife Act 1974* except with the consent of the relevant Ministers.

25 Permits not required for 12 months after commencement of zoning plan

A person does not commit an offence against clause 24 of this Regulation if the person carries out an activity described in clause 24 (1) (a) or (b) in the marine park without the consent of the relevant Ministers within 12 months after the commencement of this Part.

Note. Clause 24 (1) of this Regulation makes it an offence to sell or hire any thing or service or conduct any activity for money in a marine park, except with the consent of the relevant Ministers. Clause 24 (2) excludes commercial fishing from the prohibition.

Division 7 Species protection

26 Identification of protected species

(1) For the purposes of clause 22A of this Regulation, any species of fish:

(a) not listed in table B, or

(b) the taking or harming of which is prohibited under section 19 or 220ZA of the *Fisheries Management Act 1994*,

is identified as a protected species for the purposes of the marine park.

Note. Clause 22A of this Regulation prohibits a person in a marine park from taking or harming, or attempting to take or harm, any species identified in a zoning plan as a protected species. A contravention of that prohibition is designated as a serious offence.

(2) Despite subclause (1), cunjevoi (*Pyura stolonifera*) is not a protected species.

Division 8 Domesticated animals

27 Restrictions on domesticated animals

Despite clause 22 (1) of this Regulation, a person may bring a domesticated animal into the following parts of the marine park:

(a) tidal lands of the marine park if those tidal lands are not directly seaward of:

(i) a nature reserve, national park or Aboriginal area dedicated or reserved under the *National Parks and Wildlife Act 1974*, or

(ii) a place in which the animal is prohibited under the *Companion Animals Act 1998*,

(b) waters of the marine park that are not part of a nature reserve or national park dedicated or reserved under the *National Parks and Wildlife Act 1974* if the animal remains confined to a vessel,

(c) tidal lands of the marine park that are directly seaward of a nature reserve, national park or Aboriginal area dedicated or reserved under the *National Parks and Wildlife Act 1974* if permitted under a plan of management under that Act.

Note. Clause 22 of this Regulation makes it an offence, subject to certain exceptions, to bring a domesticated animal into a marine park except with the consent of the relevant Ministers.

Division 9 Use, mooring and anchoring of vessels and vehicles

Note. Clause 27 of this Regulation makes it an offence to use, anchor or moor any vessel or motorised vehicle in a marine park in contravention of the zoning plan for the marine park.

28 Anchoring within a sanctuary zone

(1) Despite clause 9 (1) of this Regulation, a person may anchor a vessel within a sanctuary zone of the marine park.

(2) A person who is anchoring, or has anchored, a vessel within a sanctuary zone must not cause or allow the anchor or any other part of the vessel or its gear to come into contact with a seagrass bed.

(3) It is a defence to a prosecution for an offence in respect of a contravention of subclause (2) if the person charged satisfies the court that the person took all reasonable steps to satisfy himself or herself that no part of the vessel or its gear would come into contact with a seagrass bed.

29 Areas in which use of vehicles prohibited

(1) A person must not use a motorised vehicle in the marine park, except for the purpose of launching or retrieving a vessel from a designated boat-launching facility.

(2) This clause does not apply to or in respect of the following:

(a) an authorised vehicle, a police vehicle or an emergency vehicle,

(b) a person who has been issued with a permit by the council of an area (within the meaning of the *Local Government Act 1993*) that adjoins the marine park, authorising the use of a motorised vehicle and who is using the vehicle in accordance with that permit,

(c) a commercial fisher using the vehicle in the course of commercial fishing.

(3) In this clause:

authorised vehicle means a vehicle being used by an officer, employee or other authorised person acting on behalf of any of the following:

(a) a regulatory authority,

(b) any other government department or public or local authority,

(c) a surf life saving club.

designated boat-launching facility means a facility in the marine park designated by the Authority or another relevant government department or public or local authority as appropriate for boat-launching.

emergency vehicle has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*.

police vehicle has the meaning given by the *Road Transport (Vehicle Registration) Regulation 1998*.

Note. Clause 27 of this Regulation makes it an offence to use any motorised vehicle in a marine park in contravention of the zoning plan for the marine park.

Division 10 Tables

Table A—Plants that may be taken in habitat protection zones

Common name	Class/Family	Species
Sea lettuce	Family Ulvaceae	*Ulva lactuca*
Bait weed	Family Ulvaceae	*Enteromorpha intestinalis*

Table B—Fish that may be taken in habitat protection zones

Common name	Class/Family	Species
Finfish	Class Osteichthyes	All species (except any specified in Schedule 4 to the *Fisheries Management Act 1994*)
Gummy sharks, school sharks	Family Triakidae	*Mustelus antarticus*, *Galeorhinus galeus*
Eastern rock lobsters, southern rock lobsters	Family Palinuridae	*Jasus verreauxi*, *Jasus edwardsii*
Prawns	Family Penaeidae	All species (except any specified in Schedule 4 to the *Fisheries Management Act 1994*)
Octopus	Family Octopodidae	All species (except any specified in Schedule 4 to the *Fisheries Management Act 1994*)
Squid, cuttlefish	Family Sepiidae	All species (except any specified in Schedule 4 to the *Fisheries Management Act 1994*)

Common name	Class/Family	Species
Arrow squid, southern calamari	Family Loliginidae	*Nototodarus gouldi*, *Sepioteuthis australis*
Commercial scallops, doughboy scallops	Family Pectinidae	*Pecten fumatus*, *Chlamys asperrimus*
Blue mussels	Family Mytilidae	*Mytilus planulatus*
Sydney cockles	Family Arcidae	*Anadara trapezia*
Mud oysters	Family Osteridae	*Ostrea angasi*
Sea urchins	Class Echinoidea	*Centrostephanus rodgersii*, *Heliocidaris erythrogramma*
Beach worms	Family Onuphidae	All species (except any specified in Schedule 4 to the *Fisheries Management Act 1994*)
Ghost shrimp, marine yabbies (nippers)	Family Callianassidae	*Callianassa* spp.
Mud crabs, blue swimmer crabs	Family Portunidae	*Scylla serrata*, *Portunus pelagicus*
Rock crabs	Family Grapsidae	All species
Oysters	Family Ostreidae	*Saccostrea* spp., *Crassostrea* spp.
Pipis	Family Donacidae	All species (except any specified in Schedule 4 to the *Fisheries Management Act 1994*)
Turban shell	Family Turbinadae	*Turbo* spp.
Abalone	Family Haliotidae	*Haliotis rubra*
Periwinkles	Family Trochidae	*Austrocochlea* spp.
Bloodworms	Family Opheliidae	*Armandia* spp.

Note. Bag and size limits apply and are specified in the *Fisheries Management Act 1994*.

Table C—Designated beaches in which hauling is permitted in habitat protection zones

Long Beach
Wimbie Beach
Rosedale Beach
Barlings Beach
All beaches along the coast that are between Mullimburra Point and the mouth of Meringo Lake
Shark Bay Beach between Broulee Island and Broulee Head
Maloneys Beach (east of Long Beach in Batemans Bay)
Tuross Beach

Table D—Habitat protection zones in which handpicking is prohibited

Meringo-Mullimburra Point habitat protection zone
Black Bream Point habitat protection zone
Clarks Bay habitat protection zone
Freshwater Bay habitat protection zone
Wagonga Head habitat protection zone
Handkerchief Beach habitat protection zone